To: Dragna, James J.[jim.dragna@morganlewis.com]; Daugherty, Steven A CIV NAVFAC Pacific,

09CI(b)(6)

Cc: Viola, Dana M O (dviola@honolulu.gov)[dviola@honolulu.gov]; Kelly,

Kathleen[kkelly@honolulu.gov]; Wade.H.Hargrove@hawaii.gov[Wade.H.Hargrove@hawaii.gov]

From: Reynolds, Rebekah

Sent: Thur 11/19/2015 10:09:13 PM **Subject:** RE: Non-Disclosure Issues

I am cc'ing Wade Hargrove, counsel for DOH, to this email chain.

Rebekah Reynolds

Assistant Regional Counsel

Office of Regional Counsel

Environmental Protection Agency - Region 9

(415) 972-3916

From: Dragna, James J. [mailto:jim.dragna@morganlewis.com]

Sent: Wednesday, November 18, 2015 4:02 PM

To: Reynolds, Rebekah; Daugherty, Steven A CIV NAVFAC Pacific, 09C

Cc: Viola, Dana M O (dviola@honolulu.gov); Kelly, Kathleen; Dragna, James J.

Subject: RE: Non-Disclosure Issues

Hi.

Attached for your reading pleasure is a draft memorandum that would govern the confidentiality obligations of the Honolulu Board of Water Supply associated with its participation as an "SME" in issues relating to the Red Hill RCRA AOC. Based on our review of the statutory obligations imposed upon the Board by State law, the documents that you have provided, and our discussion on Monday, we believe that the memorandum addresses our respective concerns over confidentiality. It is contemplated that the memorandum would be provided to each and every Board employee and member who will be working on the Red Hill matter, or who will otherwise have access to Red Hill information. It is also contemplated that the Board would require that each of its contractors working on the matter sign a NDA similar to the one that was provided prior to our call on Monday.

We are available to discuss the memorandum at your convenience.

Thank you,

Jim

James J. Dragna

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From: Reynolds, Rebekah [mailto:Reynolds.Rebekah@epa.gov]

Sent: Monday, November 16, 2015 2:15 PM

To: Dragna, James J.; karen.glasgow@sol.doi.gov

Cc: Wade.H.Hargrove@hawaii.gov; Daugherty, Steven A CIV NAVFAC Pacific, 09C

Subject: Non-Disclosure Issues

Hi Jim and Karen,

As promised, here is my contact information. Steve Daugherty's email is above and he can be reached at (808) 472-1331. As I mentioned on the phone earlier today, my clients would really like the issues regarding disclosure to be worked out so that the SMEs can participate in the scoping meetings at the end of the month. To that end, I'd like to propose that we, along with Wade and Steve who are copied on this email, speak tomorrow. I'm available anytime except 11-12 pst.

One issue that was raised on the phone that we should discuss tomorrow is whether the BWS's municipal council could issue a memo to its employees reminding them of its obligations with respect to confidentiality and conflict of interest. On the call, Steve identified some criteria that needs to be met in order for this approach to work. I know that a major component for the Navy's contracting office is that the confidentiality/conflict of interest requirements are enforceable. I think it would be helpful if Steve could come to the call with a good sense of the criteria that the BWS needs to meet in order for this mechanism to work and Jim can come to the call with the reasons why BWS can meet those criteria.

Jim also suggested that the BWS continues to have questions about the scope of the information that will be labeled as confidential and we can work through those remaining questions as well.

Best,

Rebekah Reynolds

Assistant Regional Counsel

Office of Regional Counsel

Environmental Protection Agency - Region 9

(415) 972-3916

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